IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 32896 of 2007(N)

PETITIONER:

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1. LEELA.S.NAIR, LEKSHMI PRABHA MEERA 113A EDAPPALLY, ERNAKULAM. (FROM MANDANATH VEEDU, PULIYOOR VANCHI SOUTH MURI, EDAKULANGARA P.O., KARUNAGAPPALLY)

2. R.SOMAN PILLAI, VASANTHAM, WEST FORT, MAVELIKARA. (FROM MANDANATH VEEDU, PULIYOOR VANCHI SOUTH MURI, EDAKULANGARA P.O, KARUNAGAPPALLY).

BY ADV. SRI.K.SASIKUMAR

RESPONDENTS:

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1. SANTHABHAI, MANDANATH PRASANTHIYIL VEEDU, PULIYOOR VANCHI SOUTH MURI, THODIYOOR VILLAGE, KARUNAGAPPALLY.

2. ADDITIONAL DISTRICT MAGISTRATE, KOLLAM.

R2 BY G.P. SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) NO.32896 of 2007

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Dated this the 6th day of November, 2007.

JUDGMENT

In the nature of the order that I propose to pass I do not think it is necessary to issue notice to first respondent. Ext.P1 is an application made by first respondent before the second respondent in which Ext.P2 order was passed in the purported exercise of power under Section 133 of Cr.P.C. On receipt of Exts.P1 and P2, the petitioners filed their objections as per Ext.P3, raising the contention that the proceedings are not maintainable in law. Thereafter Ext.P4 application for advancing the hearing was filed and along with it an application for vacating Ext.P2 order. It is submitted that though the case was posted to 31.7.2007, the same was adjourned. According to the petitioners, the case now stands posted to 14.11.2007. The petitioners submit that in view of the urgency of the matter, the matter has to be disposed of on an expeditious basis.

2. Now that an interim order has been passed as per Ext.P2 and the petitioners who are affected by the said order have already filed their objections as also an application for vacating the said order, I see no justification in the second respondent adjourning the case without deciding even the preliminary objection. Now that according to the petitioners the case is posted to 14.11.2007, I dispose of this W.P. Directing that on 14.11.2007, the second respondent shall take up and

consider Ext.P5 application made by the petitioners in the light of the objection of maintainability raised by the petitioners in Ext.P3. Thereafter, without adjourning the matter, orders on Ext.P5 shall be rendered by the second respondent without any appeal.

W.P. is disposed of as above.

ANTONY DOMINIC
Judge

pms